

Exhibit 60

Deposition of Hal J. Singer, Ph.D.
(January 23, 2018) (excerpted)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

- - -

CUNG LE, NATHAN QUARRY, JON: CIVIL ACTION
FITCH, BRANDON VERA, LUIS :
JAVIER VAZQUEZ, and KYLE :
KLINGSBURY on behalf of :
themselves an others :
Similarly situated, :
Plaintiffs : CASE NO.
vs. : 2:15-cv-01045-RFB
: (PAL)
: :
ZUFFA, LLC d/b/a ULTIMATE :
FIGHTING CHAMPIONSHIP and :
UFC, :
Defendants :
- - -

Tuesday, January 23, 2018

DAY 2

- - -

Continuation of videotaped
deposition of HAL J. SINGER, Ph.D., taken
pursuant to notice, was held at the
offices of BERGER & MONTAGUE, P.C., 1622
Locust Street, Philadelphia, PA 19103,
commencing at 10:19 a.m., on the above
date, before Lori A. Zabielski, a
Registered Professional Reporter and
Notary Public in and for the Commonwealth
of Pennsylvania.

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<p>1 the marginal revenue product of the 2 collective group of fighters at an event; 3 is that correct?</p> <p>4 A. Yes.</p> <p>5 Q. All right. And if I wanted 6 to understand the marginal revenue 7 product of an individual fighter at that 8 event, have you done any analysis of 9 that?</p> <p>10 A. Well, remember, I use an 11 individual fighter event pair as the 12 dependent variable in my wage share 13 regressions, and so I am assuming that 14 there is a relationship between an 15 individual fighter's contribution to the 16 event revenues and the event revenues 17 that featured that individual.</p> <p>18 Q. And am I correct, the way 19 you -- the relationship between a 20 fighter's -- between what a fighter does 21 and the event revenue, you base that 22 relationship on what a fighter was paid 23 at that event relative to what other 24 fighters were paid at the event?</p>	<p>1 the regression model determine the 2 relationship between what a fighter does 3 and the event revenue?</p> <p>4 A. Well, that's a slightly 5 different question.</p> <p>6 Q. Well, then let me rephrase 7 it.</p> <p>8 A. My left-hand side variable 9 is what a fighter was paid in proportion 10 to the event revenue, not does.</p> <p>11 Q. Okay.</p> <p>12 A. But we can go there, too. I 13 mean, we can go wherever -- we can go 14 wherever --</p> <p>15 Q. No, I am not trying to go 16 there.</p> <p>17 A. Okay.</p> <p>18 Q. So as I understand it, the 19 regression model is designed to identify 20 the factors that establish whether there 21 is a relationship between an individual 22 fighter's contribution to event revenues 23 and the event revenues that feature that 24 individual?</p>
<p>1 MR. CRAMER: Objection to 2 form.</p> <p>3 THE WITNESS: I don't think 4 I would put it that way. I'm 5 not -- I'm -- just I'm sorry. I 6 am just not following.</p> <p>7 BY MR. ISAACSON:</p> <p>8 Q. All right. The -- when you 9 calculate the -- so when you assume that 10 there is a relationship between an 11 individual fighter's contribution to 12 event revenues and the event revenues 13 that feature that individual, how do you 14 go about -- what is that relationship?</p> <p>15 MR. CRAMER: Objection to 16 form.</p> <p>17 THE WITNESS: I think the 18 regression model is designed to 19 identify the factors that 20 influence that relationship and 21 their separate contributions to 22 that relationship.</p> <p>23 BY MR. ISAACSON:</p> <p>24 Q. All right. What factors in</p>	<p>1 MR. CRAMER: Objection to 2 form.</p> <p>3 THE WITNESS: It's close, 4 but I would just put it slightly 5 differently, if I could, which is 6 that the regression model is 7 designed to identify the factors 8 that explain variation in what a 9 fighter gets paid relative to what 10 was generated by the event.</p> <p>11 BY MR. ISAACSON:</p> <p>12 Q. All right. Does the 13 regression model identify factors that 14 explain any variations in a fighter's 15 marginal revenue product at an event?</p> <p>16 A. I believe so, yes.</p> <p>17 Q. Okay. And would that be of 18 all of the variables in the regression or 19 some subset?</p> <p>20 A. It is likely closer to some 21 subset. We can go through each ones. 22 But, for example, it's -- there are 23 fighter identity variables on the 24 right-hand side. There are measures of</p>

1 the fighter's performance in that fight,
 2 punches landed, for example.

3 So all of those could
 4 contribute to the fighter's marginal
 5 revenue product.

6 Q. And when you say that event
 7 revenues are a reasonable proxy for the
 8 collective marginal revenue product of
 9 the fighters at the event, what do you
 10 mean by a reasonable proxy?

11 A. I think that the pool of
 12 revenue by which fighters can be
 13 compensated is based on what the fighters
 14 can create. This platform is for the
 15 fighters, and the fighters are the
 16 primary cause of why revenues get
 17 generated. And so, to me, it -- one way
 18 to think of it is as an upper bound as to
 19 how much you could conceivably pay the
 20 fighters collectively is based on how
 21 much revenue is generated by the
 22 fighters.

23 Q. So in your opinion, is the
 24 one-to-one relationship, the event

1 your opinion, is there some amount, some
 2 formulaic or mathematical way of
 3 expressing the relationship between the
 4 marginal revenue product of the fighters
 5 collectively and the event revenue?

6 A. I think that that's fairly
 7 close to what I am trying to do with the
 8 regression model. If you think about it,
 9 I am trying to simulate the more
 10 competitive labor market. And in that
 11 competitive labor market, the fighters
 12 collectively would capture, as you know,
 13 something in the high 60 percent of the
 14 event revenues.

15 Q. Okay. So does that mean
 16 that the regression tells you that the
 17 collective marginal revenue product of
 18 the fighters in a competitive world is
 19 equal to approximately 60 percent of
 20 event revenue?

21 A. It's certainly -- that is
 22 certainly an estimate. It doesn't have
 23 to be equal to. But I think that I will
 24 say something that I hope is fairly safe,

1 revenue, represents and is equal to the
 2 marginal revenue product of the fighters
 3 collectively at the event?

4 A. In a competitive
 5 environment, it would be equal to. In a
 6 monopsonized environment, the monopsonist
 7 pushes the compensation payments below
 8 the marginal revenue product.

9 So given that I believe
 10 Zuffa monopolized and monopsonized this
 11 market, I would suggest that the
 12 compensation was below the marginal
 13 revenue product of the fighters.

14 Q. And in a competitive market,
 15 in your opinion, the marginal revenue
 16 product of the fighters collectively in
 17 an event would be equal to all of the
 18 event revenue?

19 A. No, that's not my opinion.

20 Q. In a competitive market,
 21 what is the relationship between the
 22 marginal revenue product of -- product of
 23 the -- well, let me start over.

24 In a competitive market, in

1 that as you move in a direction of more
 2 competitive, fighters individually and
 3 collectively capture closer to 100
 4 percent of their marginal revenue
 5 products.

6 I just -- I want to be a
 7 careful to suggest that even in my
 8 but-for world, where I am simulating wage
 9 shares with foreclosure of 30 percent,
 10 it's conceivable that there is still some
 11 market power exercised by Zuffa.

12 Q. So I understand that all of
 13 the event revenues are not being captured
 14 by the fighters in your regression.

15 But in terms of the marginal
 16 revenue product collectively of the
 17 fighters at an event, based on the
 18 regression, it's your opinion that that
 19 marginal revenue product is equal to
 20 approximately 60 percent of the event
 21 revenue?

22 A. I don't want to say it's
 23 equal to. That's what I am -- what I am
 24 stumbling on. What I am comfortable

<p style="text-align: right;">Page 431</p> <p>1 saying is that the but-for wages and wage 2 shares that I am estimating are closer to 3 the fighters' marginal revenue product 4 than what they are currently being paid.</p> <p>5 Q. But in your opinion, are the 6 but-for wages that you are estimating 7 approximating the marginal revenue 8 product of the fighters?</p> <p>9 A. I am getting caught up on 10 the word "approximating." Can we -- can 11 we agree on something that's a little 12 less strong? How about we are -- we are 13 getting closer to in the but-for world. 14 The simulation is putting fighters at a 15 wage share and wage level that is closer 16 to their marginal revenue product. I am 17 not -- I am not prepared to say that it 18 would -- it would approximate or be 19 exactly equal to 100 percent of the 20 but-for wages.</p> <p>21 Q. I need to follow up because 22 getting closer to could mean a little 23 closer to or very closer to. So I could 24 stand in -- at the back of this room and</p>	<p style="text-align: right;">Page 433</p> <p>1 eviscerates Zuffa's market power to the 2 point that Zuffa is forced to pay 3 fighters equal to their marginal revenue 4 product. That's -- that's quite a 5 statement.</p> <p>6 And I want to allow for the 7 possibility that with 30 percent 8 foreclosure share, Zuffa could still have 9 some, not as much, but some buying power, 10 such that it could push wages below 11 marginal revenue product, just not to the 12 extent that it's doing today.</p> <p>13 Q. Now, you said you haven't 14 estimated the marginal revenue product of 15 the fighters. If you could estimate 16 those, would that -- would you then use 17 that as the dependent -- a dependent 18 variable in your impact regression?</p> <p>19 A. No. I intentionally did not 20 estimate the marginal revenue product 21 because it would be one unnecessary step 22 in the process, and I didn't want to 23 introduce an unnecessary step. I did 24 what was needed to be done to simulate</p>
<p style="text-align: right;">Page 432</p> <p>1 take one step forward and get closer to 2 you but still be far away.</p> <p>3 A. That's fair.</p> <p>4 Q. The -- is the -- are the 5 but-for wages -- but-for wages that you 6 are estimating in your regression, are 7 those close to or -- let me put it this 8 way: The but-for wages that you are 9 estimating in your regression, how close 10 are they to the marginal revenue product 11 of the fighters in your opinion?</p> <p>12 A. I haven't estimated the 13 marginal revenue products, so to answer 14 that question, I would have to -- I would 15 have to engage in a -- in a different 16 exercise than what I did here.</p> <p>17 But I -- what I -- what I 18 can tell you is that when we take the 19 foreclosure share down to 30 percent, we 20 are eviscerating a large part of Zuffa's 21 market power. What I am -- what I am 22 hesitant -- what I am hesitating on and 23 what I am reluctant to say is that the 30 24 percent foreclosure completely</p>	<p style="text-align: right;">Page 434</p> <p>1 but-for wage shares.</p> <p>2 Q. In your opinion, does the 3 individual marginal revenue product vary 4 among fighters?</p> <p>5 A. It could as a matter of 6 theory, yes.</p> <p>7 Q. Beyond theory, based on the 8 investigation that you have done in this 9 case, in your opinion, does it actually 10 vary amongst the fighters?</p> <p>11 A. Most likely, yes, based on 12 my investigation, I am thinking in 13 particular of a regression in which I 14 estimated the relationship between event 15 revenues and the rank of the highest 16 ranked fighter featured, and it seems to 17 me that so long as rank is capturing 18 productivity, it appears to be that if 19 you put on a fight with a high productive 20 fighter, all things equal, you are going 21 to generate higher event revenue.</p> <p>22 So that tells me there is 23 going to be variation among the fighters 24 with respect to their ability, basically</p>

1 their revenue generation capabilities.
 2 Q. And assuming the status quo,
 3 current Zuffa contracts and practices, is
 4 there a relationship in your opinion
 5 between fighters' marginal revenue
 6 product and their individual
 7 compensation?

8 MR. CRAMER: Do you mean in
 9 the current world?

10 MR. ISAACSON: Yes.

11 THE WITNESS: Yes, I think
 12 in the current world, all things
 13 equal, the more productive you
 14 are, the higher you get paid.

15 BY MR. ISAACSON:

16 Q. And I think you have said
 17 this, but I will just confirm. You do
 18 think that what you would describe as a
 19 competitive world, there would be a
 20 relationship between marginal revenue --
 21 individual marginal revenue product and
 22 individual compensation?

23 A. Well, there is always a
 24 relationship, right? There is a

1 are looking -- some fighters are paid
 2 more, some are paid less, and you are
 3 using their payments relative to one
 4 another to see -- and comparing that to
 5 event revenue?

6 A. I wouldn't -- I wouldn't
 7 quite put it that way.

8 Q. Let me try to put it this
 9 way: The -- I am trying to get something
 10 simple here.

11 A. Okay.

12 Q. You have someone who is
 13 being paid a million dollars for a fight
 14 and someone who is being paid \$50,000 for
 15 a fight.

16 A. Got it.

17 Q. You are assuming that the
 18 person being paid \$50,000 is making --
 19 has a lower marginal revenue product than
 20 the person being paid a million dollars?

21 MR. CRAMER: Objection to
 22 form.

23 THE WITNESS: I am not
 24 assuming anything. Just to make

1 relationship in the actual world, there
 2 is a relationship in the but-for world.
 3 That's Labor Theory 101. The -- what we
 4 are trying to figure out is how the
 5 challenged conduct affected or thwarted
 6 that relationship.

7 Q. Okay. And you have said
 8 that event revenue is a proxy for the
 9 collective marginal revenue product of
 10 the fighters of the event.

11 Is there a way of looking at
 12 event revenue to use that as proxy for
 13 individual fighter marginal revenue
 14 product?

15 A. Well, I think, again, the
 16 way that I have constructed my impact
 17 regressions, I have -- I have used the
 18 individual compensation relative to the
 19 event revenue as my dependent variable.
 20 So in a sense, I am trying to decompose
 21 event revenue that way.

22 Q. All right. And when you say
 23 you use individual compensation relative
 24 to event revenue, as I understand it, you

1 your hypothetical concrete, let's
 2 assume they both fought in the
 3 same fight.

4 MR. ISAACSON: Same event.

5 THE WITNESS: Okay. You
 6 didn't say that, but I am trying
 7 to --

8 MR. ISAACSON: Right.

9 THE WITNESS: Right.

10 Let's assume that they both
 11 fought in the same event. What my
 12 model is trying to do, it's not
 13 assuming anything. It's letting
 14 the data explain to us the
 15 relationship between the fighters'
 16 attributes and how much of the
 17 event revenue that fighter was
 18 able to take home as compensation.

19 BY MR. ISAACSON:

20 Q. All right. But for your
 21 dependent variable, the -- you are
 22 relying on the -- for your dependent
 23 variable, the person earning \$50,000
 24 would be making less of a contribution

<p>1 than the person being paid a million 2 dollars?</p> <p>3 A. It makes sense as a matter 4 of theory, but I am not assuming 5 anything. I am going to let the data 6 explain to me the relationships, 7 basically explain to me why the person 8 who made a million made a million.</p> <p>9 Q. But in -- for your -- for 10 your regression in your dependent 11 variable, you are going to input in that 12 example the \$50,000 and the million 13 dollars for the two different fighters?</p> <p>14 MR. CRAMER: Objection to 15 the form.</p> <p>16 THE WITNESS: With a slight 17 adjustment. Remember, the 18 left-hand side variable is the 19 ratio of the fighters paid to the 20 event revenue. So with that 21 caveat, yes, those would be -- if 22 you are looking at this as an 23 Excel spreadsheet, those would be 24 two rows in the spreadsheet. But,</p>	<p>1 present, the current world, if you take 2 the same group of fighters at a Zuffa 3 event and transport them to a Bellator 4 event, same -- everything else equal, 5 same location, same period of time, would 6 you expect that they would generate the 7 same event revenue?</p> <p>8 MR. CRAMER: Objection to 9 form, incomplete hypothetical.</p> <p>10 THE WITNESS: So I 11 haven't -- I haven't modeled that 12 particular scenario. I can tell 13 you based on a published article 14 in the literature that I cite and 15 rely on, there is a finding that 16 suggests that the vast majority of 17 event revenues are driven by the 18 identity of the fighters as 19 opposed to the platform.</p> <p>20 And so to the extent that 21 was your guide, it would suggest 22 to you that the event would, in 23 fact, generate something close to 24 what was generated at Zuffa.</p>
<p>1 of course, you need to populate it 2 with all the other variables in 3 the right-hand side.</p> <p>4 MR. ISAACSON: All right.</p> <p>5 BY MR. ISAACSON:</p> <p>6 Q. And do you believe that the 7 same group of fighters at a Zuffa event, 8 if they went to a Bellator event, would 9 generate the same event revenue?</p> <p>10 MR. CRAMER: Objection to 11 form.</p> <p>12 THE WITNESS: To add a 13 little specificity to this 14 question, are we speaking in the 15 actual world or in the but-for 16 world?</p> <p>17 MR. ISAACSON: Let's do 18 both.</p> <p>19 THE WITNESS: Okay. Because 20 the answer might -- the answer 21 might depend. That's the only 22 reason why I bring it up.</p> <p>23 BY MR. ISAACSON:</p> <p>24 Q. In the actual world, the</p>	<p>1 But I -- in thinking about 2 my model and the way it works in 3 the other analyses that I have 4 performed, I don't know if I 5 have -- if I have conducted that 6 particular estimation.</p> <p>7 BY MR. ISAACSON:</p> <p>8 Q. So you have said -- you both 9 pointed me to an article and said you 10 don't know if you have conducted that 11 particular estimation. So let me get 12 back over this.</p> <p>13 Do you have an opinion 14 whether in the actual world, if you take 15 the same group of fighters at a Zuffa 16 event and transport them to a Bellator 17 event that is equal in all other 18 respects, same venue, location, 19 et cetera, that the -- that the Bellator 20 event would generate the same event 21 revenue as the Zuffa event?</p> <p>22 MR. CRAMER: Asked --</p> <p>23 BY MR. ISAACSON:</p> <p>24 Q. Do you have an opinion on</p>

1 impact that used the labor share event
 2 revenue as the dependent variable to
 3 measure the alleged anticompetitive
 4 effect, including the impact and damages,
 5 of a monopsony?

6 MR. CRAMER: Objection to
 7 form.

8 THE WITNESS: Very close.
 9 At the very end of a monopsony, of
 10 a monopsonist who engaged in
 11 certain challenged conduct.
 12 Remember, we are trying to isolate
 13 the effect of the challenged
 14 conduct. And I think as you put
 15 it, it sounded as if we were
 16 trying to isolate the effect
 17 Zuffa's monopsony.

18 BY MR. ISAACSON:

19 Q. So the regression analysis
 20 that you used for damages in one case of
 21 impact used the labor share of that
 22 revenue as the dependent variable to
 23 measure the anticompetitive effect,
 24 including the impact or damages, of

1 Q. So your regression analyses
 2 for damages in one case for impact used
 3 the labor share of event revenues as the
 4 dependent variable to measure the
 5 anticompetitive effect, including the
 6 impact and damages, of the conduct that's
 7 challenged in this case?

8 A. I think that's fair.

9 Q. Okay. All right. Now, can
 10 you point me to any journal that has used
 11 a regression analysis using the labor
 12 share of revenue -- need not be on an
 13 event basis -- the labor share revenue as
 14 the dependent variable to measure the
 15 anticompetitive effect, impact or damages
 16 of any conduct by -- any conduct by a
 17 monopsonist?

18 A. As you put it, I think there
 19 are several articles in my literature
 20 review on the use of labor share to study
 21 monopsony in the economics industry and
 22 in general, and in sports economics, in
 23 particular, that use labor share as the
 24 dependent variable in an econometric

1 alleged monopsonistic conduct?

2 MR. CRAMER: Objection to
 3 form.

4 THE WITNESS: I don't -- I
 5 don't like that one as much as the
 6 one that I gave you.

7 MR. ISAACSON: I thought
 8 that's what you gave me.

9 THE WITNESS: Monopsonistic
 10 conduct is fairly broad, and I
 11 think that we are looking at a
 12 very particular type of conduct.
 13 It's the challenged conduct here,
 14 the exclusionary conduct. And
 15 so --

16 BY MR. ISAACSON:

17 Q. All right. I am just trying
 18 to --

19 A. Okay.

20 Q. I equated those things.

21 A. Okay.

22 Q. But I am trying to use your
 23 words.

24 A. Okay.

1 analysis.

2 Q. Which ones would you point
 3 to as having -- again, focusing on the --
 4 on the use as the dependent variable?

5 A. Sure.

6 Q. If it helps you locate
 7 things, you start talking about Scully
 8 around paragraph 94. I am not trying to
 9 limit you but to sort of give you a
 10 general location in your report.

11 A. What page? I am sorry.

12 Q. Paragraph 94, page 73.

13 MR. CRAMER: And Section C
 14 starts with page 69, the section
 15 where you discussed wage shares.

16 MR. ISAACSON: I am sure you
 17 have to go before and after where
 18 I pointed you to.

19 THE WITNESS: I think that I
 20 would start with the Scully
 21 article. I plan to march through
 22 these one by one, if that's okay
 23 with you.

<p>1 BY MR. ISAACSON:</p> <p>2 Q. If you would just list them.</p> <p>3 A. Sure. So the Scully article</p> <p>4 from '74 uses labor share as the</p> <p>5 dependent variable in the context of an</p> <p>6 analysis of the impact of monopsony on</p> <p>7 labor share and the relaxation of certain</p> <p>8 restrictions, similar to the restrictions</p> <p>9 that are being challenged here.</p> <p>10 In footnote 340, I list</p> <p>11 articles that themselves refer back to</p> <p>12 Scully's approach to estimating the</p> <p>13 impact of various changes in labor</p> <p>14 restrictions in professional sports that</p> <p>15 also -- let me finish, please -- that</p> <p>16 also study the impact using the same lens</p> <p>17 that I did, which is that of labor share.</p> <p>18 Q. All right. My question is</p> <p>19 only who ran regressions with the labor</p> <p>20 share as a dependant variable?</p> <p>21 A. I would -- I would want to</p> <p>22 confirm each of those. Sitting here, I</p> <p>23 can't tell you that, in fact, they ran</p> <p>24 regressions. Sometimes the analysis is</p>	<p>1 cited Scully '74 and 2004.</p> <p>2 A. Oh, and then I cited -- in</p> <p>3 footnote 340, the way that we found these</p> <p>4 articles was by -- was by looking back to</p> <p>5 citations to Scully where the authors</p> <p>6 invoked the same lens of analysis to</p> <p>7 study the impact of a -- of a change,</p> <p>8 typically in a restriction, but generally</p> <p>9 of labor mobility on compensation in the</p> <p>10 sport among athletes.</p> <p>11 Q. I think you said, sitting</p> <p>12 here today, you don't know whether any of</p> <p>13 the citations in footnote 340 ran a</p> <p>14 regression with labor share as a</p> <p>15 dependent variable?</p> <p>16 A. That's correct.</p> <p>17 Q. Okay. So please continue</p> <p>18 with answering my question about any</p> <p>19 other things you have cited where a</p> <p>20 regression was run with labor share as a</p> <p>21 dependent variable.</p> <p>22 A. Okay. Again, I am going to</p> <p>23 put Kahn in the same category. This is</p> <p>24 the cite on 346 and 347. I think I had</p>
<p>1 to look at changes in labor share before</p> <p>2 and after a change was made to the</p> <p>3 restrictions in a sport. And I just --</p> <p>4 sitting here, I can't be certain that</p> <p>5 each one of them used regressions. I can</p> <p>6 be certain that the dependent variable or</p> <p>7 the variable of interest was labor share.</p> <p>8 I would put Scully's article</p> <p>9 from 2004 into this category.</p> <p>10 Q. And when you say you would</p> <p>11 put it in this category, are you saying</p> <p>12 Scully in 2004 ran a regression with</p> <p>13 labor shares of the dependent variable?</p> <p>14 A. I believe so. I know</p> <p>15 that -- I know that the article uses</p> <p>16 labor share as the lens with which to</p> <p>17 view the impact of a change in a labor</p> <p>18 market restriction in the sport, and I</p> <p>19 know that there is econometrics in the</p> <p>20 article. I can remember, for example,</p> <p>21 Scully estimating marginal revenue</p> <p>22 products using econometric models. I</p> <p>23 will leave it at that.</p> <p>24 Q. Please -- so far, you have</p>	<p>1 Page 484</p> <p>1 earlier cited to Kahn, but Kahn is using</p> <p>2 labor share as the lens of analysis to</p> <p>3 study a change to labor rules governing</p> <p>4 baseball, and sitting here, I am</p> <p>5 hard-pressed to tell you that he used a</p> <p>6 regression, which is I think the heart of</p> <p>7 the question, to control for other</p> <p>8 factors that may have changed around the</p> <p>9 same time.</p> <p>10 But whether or not he did, I</p> <p>11 think the bone of contention between me</p> <p>12 and your economist was whether -- was</p> <p>13 whether labor share was the appropriate</p> <p>14 lens with which to study the change in a</p> <p>15 labor restriction on player compensation.</p> <p>16 Q. My actual question is not --</p> <p>17 MR. ISAACSON: And I move to</p> <p>18 strike the answer.</p> <p>19 BY MR. ISAACSON:</p> <p>20 Q. -- is not -- what's your</p> <p>21 response to the bones of contention</p> <p>22 between the economist in this case? I</p> <p>23 just want you to list articles with</p> <p>24 regression analyses where the dependent</p>

1 variable was labor share.	1 distinction without -- a difference
2 A. Okay.	2 without a distinction.
3 MR. CRAMER: And Dr. Singer	3 MR. ISAACSON: I will move
4 is doing that, but he is providing	4 to strike as nonresponsive.
5 some context as he is discussing	5 BY MR. ISAACSON:
6 these reports and articles.	6 Q. I just -- I understand you
7 MR. ISAACSON: I disagree	7 don't accept the premise of the question.
8 with that. I move to strike the	8 I just want you to answer the question
9 last answer.	9 and tell me articles that you do know,
10 BY MR. ISAACSON:	10 not that could but articles you do know,
11 Q. So please --	11 used a regression analysis with labor
12 MR. CRAMER: We oppose.	12 share as the dependent variable to
13 BY MR. ISAACSON:	13 measure the effect of monopsony.
14 Q. -- just list articles that	14 MR. CRAMER: Dr. Singer is
15 you believe have regression analyses with	15 doing that, but he is allowed to
16 labor share as the -- as the dependent	16 provide context to his answers.
17 variable.	17 MR. ISAACSON: He's not
18 And so far, you believe that	18 allowed to make speeches beyond
19 includes the Scully article in 1974, you	19 the question.
20 believe it may include the Scully article	20 But please go on.
21 in 2004.	21 MR. CRAMER: I disagree that
22 A. Correct.	22 he is not allowed to provide
23 Q. So please tell me any	23 context.
24 others.	24 THE WITNESS: The Autor

1 A. Well, I'm going to -- I am	1 paper that Dr. Oyer originally
2 amending that again because I think that	2 cited to use as labor share as the
3 footnote that I pointed you to of all	3 dependent variable in econometric
4 the -- of all the articles that were	4 analysis.
5 spawned by Scully's approach, which was	5 But I wanted to be thorough
6 to use labor share as the lens of	6 and march one by one through the
7 analysis, could have, and indeed most	7 citations that I made. So I would
8 likely, did use regression analysis given	8 like to -- I would like to keep
9 that that is the primary tool in the tool	9 going.
10 kit of an economist.	10 BY MR. ISAACSON:
11 But the reason I am	11 Q. Yes, please so. Why don't
12 hesitating, as I sit here and I look at	12 you do that.
13 the passages that I have cited, is that a	13 A. I am going to say the same
14 lot of the analysis is occurring through	14 thing with respect to the Vrooman article
15 a method that we refer to as the	15 in 34 -- cited in footnote 348. This
16 before/after approach where it's	16 time in the context --
17 effectively getting at what a regression	17 Q. When you say I want to say
18 would do but it's not controlling for all	18 the same thing, are you saying that there
19 the other things that could influence	19 was a regression with a dependent
20 labor share.	20 variable using labor share?
21 And so the fact that an	21 A. My belief is there was. I
22 author used a before/after analysis to	22 don't cite that part of the article. I
23 compute the effect of a change in labor	23 am citing -- I am citing the text that I
24 restriction of a wage share, to me, is a	24 think reveals the author's use of this

<p>1 rebuttal a time in which Zuffa used 2 contracts of shorter duration. 3 Q. And by shorter duration, 4 what duration do you mean? 5 A. 12 months. 6 Q. All right. And do you 7 accept that it's likely that Zuffa 8 understands the business of MMA better 9 than an economist?</p> <p>10 MR. CRAMER: Objection to 11 form.</p> <p>12 THE WITNESS: I would grant 13 that Zuffa understands the 14 business. Whether or not Zuffa 15 understands the economics and 16 antitrust economics of the impact 17 of its restrictions is a different 18 question.</p> <p>19 BY MR. ISAACSON:</p> <p>20 Q. Is the same true of a sports 21 economist, that you accept that Zuffa 22 understands the business of MMA better 23 than a sports economist?</p> <p>24 A. I probably would grant that.</p>	<p>1 which in turn is informed by the 2 popularity of the sport and for the 3 athletes or the teams that are being 4 displayed on that particular event. 5 Q. Would that also be true for 6 MMA events? 7 A. Yes. 8 Q. And that would be true of 9 Zuffa events? 10 A. Let me hear it back, that 11 the popularity of the fighter featured 12 would drive demand? 13 Q. No. The popularity of the 14 overall -- of the Zuffa -- of the Zuffa 15 events as a whole. 16 A. As I said before, I think 17 that the -- what the -- what the 18 literature is telling us, it's the 19 identity of the fighters featured has 20 more to do with explaining the demand 21 than the label of the promoter, but I 22 think that both could have an influence 23 on the -- on the demand. 24 Q. Okay. Let me just go</p>
<p>Page 640</p> <p>1 MR. ISAACSON: Why don't we 2 let them change the tape. 3 THE WITNESS: Okay. 4 THE VIDEOGRAPHER: The time 5 is 4:56 p.m. We are going off the 6 record. This is the end Disc 3. 7 - - - 8 (Off the record at this 9 time.) 10 - - - 11 THE VIDEOGRAPHER: The time 12 is 5:05 p.m. This is the start of 13 Disc 4. We are on the record.</p> <p>14 BY MR. ISAACSON: 15 Q. When you are looking at 16 increasing prices of tickets for a sports 17 event, are those a function of the 18 popularity of the sport or event? 19 A. Just to ground me here, are 20 we talking about ticket prices generally 21 or tickets for an MMA event? 22 Q. Let's start with generally. 23 A. Okay. Well, the price would 24 be informed by the demand for the event,</p>	<p>Page 642</p> <p>1 through to the extent to which you have 2 worked with plaintiff counsel in this 3 case before. 4 A. Okay. 5 Q. You have worked with 6 Mr. Cramer in something called the Maxon 7 Hyundai Mazda case which is going on 8 right now? 9 A. Yes. 10 Q. And you have worked with him 11 and other plaintiff counsel in the case 12 called Natchitoches Parish Hospital 13 versus Tyco back in 2009? 14 A. I was involved in that case. 15 I don't have a recollection of working 16 with Eric or Berger Montague on that 17 case. It's conceivable that they were 18 named as co-counsel, but that's not the 19 lawyers with whom I interfaced for 20 that -- for that case. 21 Q. You have worked with 22 Mr. Cramer in the Marchbanks Truck 23 Services case? 24 A. Yes.</p>